



REMARKS

The present invention relates to a child restraint seat for use in conjunction with an aircraft passenger seat. The restraint device seat comprises a shell-like body comprised of a first, upwardly extending body portion shaped to support a child's upper body part and a second body portion extending downwardly from the first body portion that provides a second surface to support a child's lower body part. First and second integral support flanges 20, 21 extend upwardly and outwardly a preselected length from and at an obtuse angle, with respect to the first and second support surfaces 12, 16. First and second side walls 22, 23 are formed integrally with the first and second support flanges 20, 21. These side walls 22, 23 extend outwardly and downwardly from the support flanges 20, 21 at an acute angle with respect thereto and for a preselected length greater than the preselected length of the support flanges. The relationship between the lengths of support flanges 20, 21 and the side walls 22, 23 is most clearly seen in Fig. 5 of the drawings. The greater length of side walls 22, 23 provides lower edges creating a broad, stable base for the restraint seat.

Referring to the Office communication, the specification and drawings were objected to in paragraphs 1-5 on pages 2-5. The specification has been amended in conjunction with the amendment of the drawings to correct the subject matter objected to. New sheets of the drawings comprising Figs. 1-5 are enclosed as part of this amendment, together with a marked-up copy of the drawings showing the changes in red.

Claims 1-4 were rejected under 35 U.S.C. 112 as being indefinite due to use of the term "shell-like." Although this term is believed to have been definite, as described by the specification and drawings, the claims have been amended to remove the words "shell-like" as

descriptive modifiers. This removal is believed to eliminate any indefiniteness which might have been created by use of “shell-like.”

Claim 1 (and dependent claims 2 and 3), were rejected under 35 U.S.C. 103 as being unpatentable over Burleigh (6,382,722) in view of Sebel (4,341,419). In line 6 of the first paragraph on page 6 of the Action, the examiner indicates that Burleigh shows support “flanges 16” that extend from support surfaces. Later in the same paragraph (line 8), “flanges 16” are stated to be “First and second side walls 16.” In actuality, Burleigh does not show a structure that involves separate flange and side wall construction. Line 7 *et seq.*, col. 1 of the Burleigh specification states that the construction used in the seat of his structure has .. “vertically extending side walls projecting forwardly from the side edges of the seat back and upwardly from the side edges of the seat portion” (underscoring added). The description in column 2 identifies “side walls 14 and 16.” The language referred to from col. 1 clearly indicates that the side walls 14 and 16 are vertical with respect to the planes of seat 12 and back 18. There is no language to be found in the Burleigh disclosure that there is a structure like the flange-sidewall construction used in applicants’ support seat. That is, Burleigh discloses no flange: only side walls that are vertical with respect to the body support seat and which, thereby, make it impossible to stack the seats. It is submitted that reference by the examiner, in referring to side walls 16 (and 14) as being both flanges and side walls, is an inaccurate representation of Burleigh. Without knowledge of applicants’ invention, there is no way that Burleigh could be interpreted as even being remotely similar. Burleigh specifically teaches away from a seat support like that of applicants.

The secondary reference of Sebel shows a stackable chair having arm rests 8, 9 that include troughs 23 and 24, respectfully. This patent does illustrate that in order to stack a plurality of pieces, some geometry other than that of the Burleigh reference is desirable.

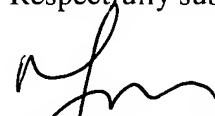
The combination of Burleigh and Sebel is not seen to negate the patentability of applicants' claimed structure. Burleigh does not describe, suggest or show structure having a combination of support flanges and side walls that will permit stacking: has only side walls (no flanges), that are normal to the body seating surfaces, thereby, render stacking impossible. The Sebel disclosure, it is submitted, when combined with Burleigh, does not render applicants' structure unpatentable.

In view of the amendments made to the application and for the reasons set forth above, reconsideration and allowance are now formally requested.

MAYER, BROWN, ROWE & MAW, LLP
P.O. Box 2828
Chicago, Illinois 60690-2828
312-701-8605

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Respectfully submitted,



Richard A. Speer
Attorney for Applicants
Reg. No. 17,930





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FIG. 3

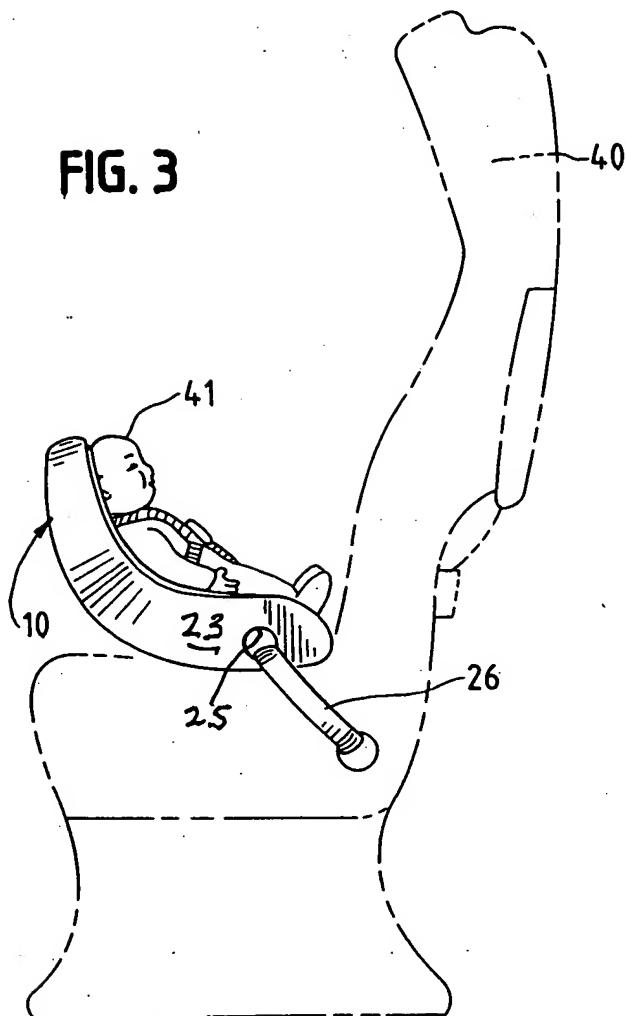


FIG. 4

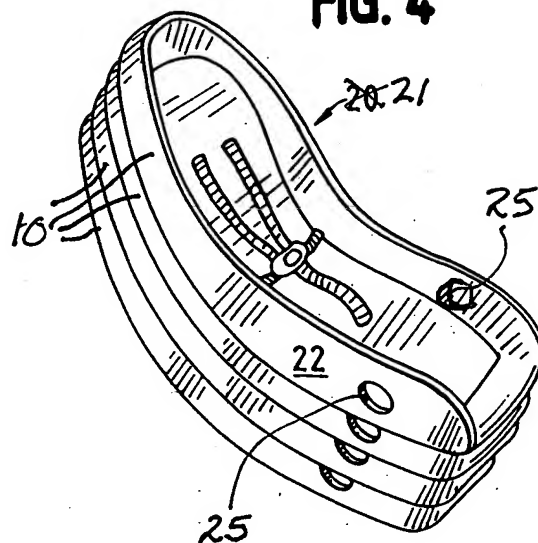


FIG. 5

